

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 14th DAY OF APRIL 2003, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Larry N. Rush	-Chair
	Annette S. Perkins	-Vice Chairman
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	James D. Politis	
	C.P. Shorter	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Robert C. Parker	-Public Information Officer
	Angie Hill	-Financial & Management Services Director
	Vickie L. Swinney	-Secretary

ABSENT: John A. Muffo -Supervisor

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Chair called the meeting to order and the Pledge of Allegiance was recited.

PUBLIC ADDRESS

Derek Myers addressed the Board about potential uses for old Blacksburg Middle School facilities. One possibility is for art and cultural activities. Mr. Myers stated the business plan for the old Blacksburg Middle School being developed by Virginia Tech should be completed by the end of April.

Kenny Ford addressed the Board in support of the resolution listed on tonight's agenda regarding the location of the new Elliston Fire Station. He hopes the Board will take into account the recommendation by EMMSTAR to add an EMS unit at the fire station and a fire truck at the rescue squad in order to provide complete coverage for the entire Shawsville/Elliston area.

ADD TO THE AGENDA - ADDENDUM

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously, the following addendum dated April 14, 2003 was added to the Consent Agenda as follows:

Schedule Public Hearing - Proposed Ordinance Amending the Zoning Ordinance

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
Annette S. Perkins		
James D. Politis		
C.P. Shorter		
Mary W. Biggs		
Larry N. Rush		

CONSENT AGENDA

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously, the Consent Agenda dated April 14, 2003 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
Gary D. Creed		
Mary W. Biggs		
James D. Politis		
C.P. Shorter		
Larry N. Rush		

Approval of Minutes

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously, the Minutes dated March 10, March 17 and March 24, 2003 were approved.

Schedule Public Hearing - Amend Chapter 8 Article III, Section 8-69 of the Code of the County of Montgomery Entitled Erosion and Sediment Control

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that a Public Hearing is scheduled for Monday, May 12, 2003 at 7:15 p.m. or as soon thereafter, in the Board of Supervisors Meeting Room in the Montgomery County Government Center located at 755 Roanoke Street, Christiansburg, Virginia in order to consider the public's comment on the following proposed ordinance:

An Ordinance Amending Chapter 8 Article III, Section 8-69 of the Code of the County of Montgomery, Virginia Entitled Erosion and Sediment Control in Order to Amend the Existing Fee Schedule by Re-Classifying the Monthly Inspection Fees.

Financial and Management Services

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

130	Financial and Management Services	\$23,460
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02130-419108	Recovered Costs	\$23,460
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Said resolution appropriates funds received from the Public Service Authority for the purchase of the MUNIS Utility Billing Module.

Health Department

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the

General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

530	Health Department	\$60,156
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02530-419108 Recovered Cost	\$60,156
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Said resolution appropriates funding from the state to cover the cost of renovations to the County Health Department building.

Sheriff - Appropriation

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

310	Sheriff-Comp Board	\$ 3,594
320	Sheriff-County	64,087
321	Sheriff-Grants	<u>710</u>
	Total	\$68,391

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02310-419108 Recovered Cost	\$ 3,490
02310-441101 Insurance Recoveries	104
02320-414200 Courthouse Security Fee	9,378
02320-419108 Recovered Costs	54,709
23227-424401 Project Life Saver	<u>710</u>
Total	\$68,381

Said resolution appropriates funding for the Sheriff's office for recovered costs from extraditions, insurance recoveries, courthouse security fees, overtime from security worked after hours, and project lifesaver contributions.

Clerk of Circuit Court

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

250	Clerk of Circuit Court	\$32,383
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02250-423100	Shared Expenses	\$32,383
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Said resolution appropriates Technology Trust fund monies to cover the cost of scanning old documents into the new computer system.

Comprehensive Services Act - Supplemental Appropriation

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

510	Comprehensive Services Act	\$925,670
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02510-424445	Comprehensive Services Act	\$663,335
02-451203	Undesignated Fund Balance	<u>\$262,335</u>
		\$925,670

Said resolution appropriates a supplemental allocation from the state for the Comprehensive Services Act and the local match from fund balance.

Appointments- Joint Blacksburg/Montgomery County Local Emergency Planning Committee (LEPC)

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby recommends that the Virginia Emergency Response Council appoint the following individuals to the Joint Blacksburg/Montgomery County Local Emergency Planning Committee (LEPC):

Janet Phillips, Safety Officer
Carilion New River Valley Medical Center
2900 Lamb Circle
Christiansburg, VA 24073

Katherine Gibbs-McCombs
District Epidemiologist
New River Health District
210 S. Pepper Street, Suite A
Christiansburg, VA 24073

Steve Davis
Bio-terrorism Coordinator
New River Health District
210 S. Pepper Street, Suite A
Christiansburg, VA 24073

Schedule Public Hearing - Proposed Ordinance Amending the Zoning Ordinance

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, hereby schedules a public hearing for Monday, May 26, 2003 at 7:15 p.m. in the Board Room, County Government Center, 755 Roanoke Street, Christiansburg, Virginia for the purpose of receiving citizens' comments on the following:

An Ordinance Amending Chapter 10, Entitled Zoning, Section 10-2 of the Code of the County of Montgomery, Virginia Exempting Certain Farm Buildings and Structures Not Used for Residential Purposes from the Application of the Zoning Ordinance

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby requests that the Planning Commission review the above referenced proposed Ordinance and hold their own public hearing on Wednesday, May 14, 2003 and provide the Board a recommendation.

OLD BUSINESS

Special Use Permit Request - Keith & Beth Weaver

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Keith & Beth Weaver request for a Special Use Permit, with possible conditions, in Agriculture (A-1) to allow a commercial kennel is hereby approved subject to the following conditions:

1. A waste disposal plan for the animal waste meeting all state and local ordinances shall be submitted to and approved by the zoning administrator prior to issuance of building permits.
2. No employees other than the property owners shall be permitted until a separate on-site sewage disposal system for the kennel has been approved as per the Montgomery County Health Department letter dated March 5, 2003.
3. The commercial kennel shall comply with the guidelines contained in 2 VAC 5-110-10 through 2 VAC 5-110-70 and all other applicable state and local laws. The site shall be inspected for compliance annually by the Montgomery County Animal Control Officer and a report submitted to the Zoning Administrator to ensure compliance with all conditions.
4. Evergreen landscaping required by the Board of Zoning Appeals shall consist of a double offset row of evergreen trees at least six (6) feet tall at the time of planting around the entire perimeter of the exterior kennel runs. Spacing shall be no more than twenty (20) feet on center. This planting shall be completed prior to approval of the final inspection of the building by the Building Official.
5. Any lighting installed shall be dusk to dawn and shielded to prevent glare onto surrounding properties.

The following conditions imposed by the Montgomery County Board of Zoning Appeals on February 4, 2003 shall remain in effect:

- (1) The building shall be no more than 1,500 square feet in total area.
- (2) A six (6) foot tall wooden privacy fence and evergreen landscaping shall be installed around the perimeter of the exterior kennel runs.
- (3) The exterior runs shall be used only between the hours of 7 a.m. to 8 p.m.

The property is located at 1274 Barringer Mtn. Road and identified as Tax Parcel No. 91-A-89C (Account ID # 034299), in the Riner Magisterial District. The property lies in an area designated as Agriculture/Rural Area in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
C.P. Shorter		
Annette S. Perkins		

Gary D. Creed
James D. Politis
Larry N. Rush

NEW BUSINESS

Fire Department-Elliston/Lafayette Industrial Park

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried,

WHEREAS, In 1993 the Elliston Volunteer Fire Department conveyed to the Board of Supervisors their desire for three (3) acres of land at the Elliston/Lafayette Industrial Park for a future fire house; and

WHEREAS, On January 10, 2002 the Board of Supervisors adopted a resolution to acknowledge the finding of the Planning Commission that the proposed station for the Elliston Volunteer Fire Department to be located in the Elliston/Lafayette Industrial Park as being in accord with the Comprehensive Plan; and

WHEREAS, In July 2002 the Village of Elliston submitted a petition to the Board of Supervisors, with over 1,000 signatures, in support of constructing a new fire station in the industrial park; and

WHEREAS, In January 2003 Montgomery County contracted with the EMSSTAR Group to complete a comprehensive assessment of fire and rescue services for Montgomery County; and

WHEREAS, The study concluded that a new Elliston Fire Station should be constructed on the industrial park site, the location being acceptable in conjunction with placing a fire pumper in the Shawsville Rescue Station, and placing an Emergency Medical Services (EMS) unit at the Elliston Fire Department; thus increasing the fire and EMS coverage for the entire area.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, hereby endorses the recommendation by EMMSTAR Group that a new Elliston Fire Station be constructed at the Elliston/Lafayette Industrial Park site.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
CP. Shorter	Gary D. Creed	John A. Muffo
Annette S. Perkins		
James D. Politis		
Mary W. Biggs		
Larry N. Rush		

Social Services - Supplemental Appropriation and Transfer from General Contingencies

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

540	Social Services	\$465,902
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02540	Public Assistance	\$465,902
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BE IT FURTHER RESOLVED, That a transfer is hereby authorized, as follows:

FROM:

950	General Contingencies	(6,000)
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TO:

540	Social Services	\$6,000
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Said resolution appropriates additional funds received by Social Services and transfers the required local match from General Contingencies.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
James D. Politis		
Mary W. Biggs		
Gary D. Creed		
C.P. Shorter		
Larry N. Rush		

INTO WORK SESSION

On a motion by C.P. Shorter, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. FY 2003-2004 Budget - Tax Rate

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	John A. Muffo
Mary W. Biggs		
Gary D. Creed		
C.P. Shorter		
Annette S. Perkins		
Larry N. Rush		

Schedule Special Meeting

By consensus of the Board a special meeting is scheduled for Monday, April 21, 2003 to discuss the FY 2003-2004 Budget.

OUT OF WORK SESSION

On a motion by C.P. Shorter, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis	John A. Muffo
Gary D. Creed			
C.P. Shorter			
Annette S. Perkins			
Larry N. Rush			

COUNTY ADMINISTRATOR'S REPORT

Comprehensive Services Act The County Administrator reported that Governor Warner approved a \$90 million increase for the Comprehensive Services Act. Therefore, there will be sufficient funds to pay for foster care children.

BOARD MEMBERS' REPORTS

Supervisor Biggs attended the Commerce Park meeting. Roanoke Valley is interested in working jointly with the New River Valley Economic Development to provide a greater effort in commerce. Also, the Roanoke Regional Airport is interested in providing a new airline, Trans-Air, to the airport. Trans-Air will be able to provide low air fares if the airport can provide subsidized payments. The Roanoke Regional Airport's goal is to provide \$2 million.

Supervisor Shorter reported that New River Community College is interested in using 10 classrooms in the old Blacksburg Middle School. They are considering cost options on how to maintain the school without using County funds.

Supervisor Perkins attended the Virginia Tech/Montgomery Regional Airport Authority meeting. They are close in obtaining Federal Aviation Administration (FAA) approval. Once they receive FAA approval then they will be able to apply for federal funds to be used toward airport repairs.

Industry Appreciation Day - Industry Appreciation Day is May 15, 2003. The appreciation dinner will be held at the Blacksburg Country Club.

Supervisor Creed Riffe Street - Supervisor Creed asked the status of the paving on Riffe Street. The County Administrator reported that the Planning Department was in the process of scheduling a meeting with the residents who live on Riffe Street to discuss VDOT's requirements for right-of-way. He indicated that Supervisor Creed will be invited.

Willis Hollow Road - Supervisor Creed stated that Willis Hollow Road is in need of repair due to the recent flooding. It appears that the culverts may need to be cleaned and one culvert in particular seems too small to handle storm water. This concern will be forwarded to VDOT.

Supervisor Politis received a complaint from a constituent about the phone system in the Clerk of Circuit Courts office. It is very frustrating when you get the answering machine numerous times when you need information. He believes all county offices should have a person answering the phones.

Supervisor Rush requested staff to contact VDOT about a completion date on construction of the 3A intersection at the intersection of Franklin and Cambria.

INTO CLOSED MEETING

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (1) Discussion , Consideration or Interviews of Prospective Candidates for

Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Personnel Matters

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body

1. Riner Magisterial District

- (5) Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

1. Industry Not Previously Announced

- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Real Estate Delinquent Tax Sales - Bill in Equity
2. Potential Litigation

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
C.P. Shorter		
James D. Politis		

Gary D. Creed
Annette S. Perkins
Larry N. Rush

OUT OF CLOSED MEETING

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
C.P. Shorter		
James D. Politis		
Gary D. Creed		
Annette S. Perkins		
Larry N. Rush		

CERTIFICATION OF CLOSED MEETING

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were

identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs
C.P. Shorter
James D. Politis
Gary D. Creed
Annette S. Perkins
Larry N. Rush

NAYS

None

ABSENT DURING VOTE

John A. Muffo

ABSENT DURING MEETING

John A. Muffo

ADJOURNMENT

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously, the Board adjourned to Monday, April 21, 2003 at 7:15 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
C.P. Shorter		
James D. Politis		
Gary D. Creed		

Annette S. Perkins
Larry N. Rush

The meeting adjourned at 9:45 p.m.